

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation of)
the License to Conduct Gambling Activities of:)

Pee Wee Tavern)
Tacoma, Washington,)

Licensee.)
_____)

NO. CR 2012-01417

AMENDED

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

*(Amendments appear in italics
and strikeouts)*

I.

The Washington State Gambling Commission issued Pee Wee Tavern, organization number 00-22474, the following license:

- Number 05-21045, authorizing Class "C" Punchboard Pull-Tab activity.

The license expires on June 30, 2013, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

David Trujillo, Acting Director ~~Rick Day, Director~~ of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

SUMMARY:

Pee Wee Tavern failed to submit its Quarterly Activity Report for the first, second, *third, and fourth* quarters of 2012.

FACTS:

- 1) On August 14, 2012, a Washington State Gambling Commission Special Agent (agent) issued a Notice of Violation and Settlement (NOVAS)¹ to the Pee Wee Tavern for not submitting an activity report by July 30, 2012.
- 2) On September 28, 2012, the agent contact Commission staff to see if Pee Wee Tavern had paid the NOVAS. Commission staff confirmed the NOVAS had not been paid.
- 3) On October 4, 2012, the agent called Jonathan Haycock, the owner of Pee Wee Tavern Bar and asked him if he had sent the payment. He said he would send in the payment.

¹ A NOVAS identifies the violation, and in this case, gives the recipient the opportunity to pay a fine and submit its delinquent report to settle the matter.

4) On October 18, 2012, a payment for the NOVAS was received by the Commission Staff; however, the Quarterly Activity Report (QAR) was not received.

5) *As of March 4, 2013, QAR's for first and second quarters of 2012, are still outstanding. In addition, Commission staff has not received the third and fourth quarters of 2012, which were due January 30, 2013.*

ADMINISTRATIVE HISTORY:

The licensee failed to submit the Quarterly Activity Report (QAR) for the third and fourth quarters of 2011. The licensee was issued a letter from the licensing Operations Division on February 10, 2012, warning them they were required to submit the QAR for the third and fourth quarters of 2011, ended September 30, 2011 and December 31, 2011.

VIOLATIONS:

RCW 9.46.075 Denying, suspending, or revoking a license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsection applies.)

(1) Violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-03-085 Denying, suspending, or revoking a license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or

(7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

WAC 230-14-284 Activity reports for punchboard and pull-tab licensees

Punchboards and pull-tab licensees must submit an activity report to the Commission. Licensees must complete the report in the format we require and must:

(The following subsections apply.)

- (1) Cover the periods: (a) January 1 through June 30; and (b) July 1 through December 31; and
- (2) Be received at our administrative office or postmarked no later than thirty days following the end of the reporting period.

Pee Wee Tavern's repeated failure to submit its activity reports demonstrates the licensee's willful disregard for complying with state administrative rules. Therefore, grounds exist for the suspension or revocation of Pee Wee Tavern's license to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1), (3) and (7).

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III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING YOUR LICENSE.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

David Trujillo, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Acting Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



DAVID TRUJILLO, ACTING DIRECTOR
SUBSCRIBED AND SWORN TO before me
this 6 day of March, 2013.



NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on December 2, 2015



STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 6 day of March, 2013
